1	JOHN W. RALLS (CA Bar No. 148233)	
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3	FoustJ@howrey.com HOWREY LLP	
4	525 Market Street, Suite 3600 San Francisco, CA 94105-2708	
5	Tel. 415.848.4900 // Fax 415.848.4999	
6	Attorneys for Defendants DICK/MORGANTI, DICK CORPORATION,	
7	and THE MORGANTI GROUP	
8		
9	UNITED STATES DISTRICT COURT	
10	NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION	
11		
12	UNITED STATES OF AMERICA for the Use and	Case No.: 3:07-CV-02564-CRB
13	Benefit of WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS, and WEBCOR	STIPULATION AND [PROPOSED]
14	CONSTRUCTION, INC. dba WEBCOR BUILDERS,	ORDER FURTHER EXTENDING TIME TO FILE ANSWER AND
15	Plaintiffs,	COUNTERCLAIM
16	VS.	Before: Hon. Charles R. Breyer
17	DICK/MORGANTI, a joint venture, DICK CORPORATION, THE MORGANTI GROUP,	
18	AMERICAN CASUALTY COMPANY OF READING, PA, NATIONAL UNION FIRE	
19	INSURANCE COMPANY OF PITTSBURGH, PA, and DOES 1 through 10, inclusive,	
20	Defendants.	
21	AND RELATED COUNTER-CLAIMS AND	
22	THIRD PARTY CLAIMS.	
23		
24	Pursuant to Local Civil Rule 6-2, Defendants, Counter-Claimants, and Third Party	
25	Complainants DICK/MORGANTI, DICK CORPORATION, and THE MORGANTI GROUP	
26	(together, "D/M") and Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS	
27	("Webcor") hereby stipulate and agree that the deadline for D/M to file an answer to Webcor's	
28	complaint, as well as the time for D/M to file a counterclaim, if any, be further extended by 31	

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1	days from September 18, 2009, to October	19, 2009. The parties and their representatives	
2	continue to meet and discuss various issues, including how Webcor's claims will be addressed at		
3	the upcoming mediations with the Project owner. In the meantime, the parties prefer to avoid		
4	spending time on litigation activities and filings in the case, and therefore stipulate to this further		
5	extension of time.		
6	The time for D/M to file an answer to Webcor's complaint and the time for D/M to file a		
7	counterclaim has been extended several times before. Additionally, there have been other time		
8	extensions in this case, including time extensions in connection with case management		
9	conferences.		
10	A declaration in support of this stipulated request is attached.		
11			
12	Dated: September 18, 2009	HOWREY LLP	
13		525 Market Street, Suite 3600 San Francisco, California 94105 Tel. 415.848.4900 // Fax 415.848.4999	
14		161. 413.646.4900 // Fax 413.646.4999	
15		By: <u>/s/</u> John W. Ralls	
16		John Foust Attorneys for Defendants, Counter-Claimants	
17		and Third Party Complainants DICK/MORGANTI, DICK CORPORATION,	
18		and THE MORGANTI GROUP	
19			
20	Dated: September , 2009	BOWLES & VERNA LLP	
21		2121 N. California Boulevard, Suite 875 Walnut Creek, California 94596	
22		Tel. 925.935.3300 // Fax 925.935.0371	
23		By:	
24		Kenneth G. Jones Michael P. Connolly	
25		Attorneys for Plaintiff WEBCOR CONSTRUCTION, INC. dba	
26		WEBCOR BUILDERS	
27			
28			

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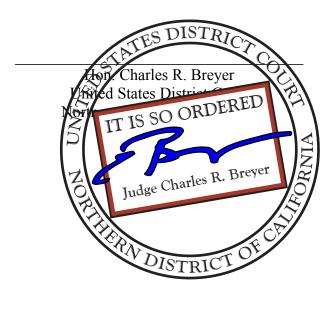
1	days from September 10, 2009, to October 19, 2009. The parties and their representatives		
2	continue to meet and discuss various issues, including how Webcor's claims will be addressed at		
3	the upcoming mediations with the Project owner. In the meantime, the parties prefer to avoid		
4	spending time on litigation activities and filings in the case, and therefore stipulate to this further		
5	extension of time.		
6	The time for D/M to file an answer to Webcor's complaint and the time for D/M to file a		
7	counterclaim has been extended several times before. Additionally, there have been other time		
8	extensions in this case, including time extensions in connection with case management		
9	conferences.		
10	A declaration in support of this stipulated request is attached.		
11			
12		HOWREY LLP	
13		525 Market Street, Suite 3600 San Francisco, California 94105 Fel. 415.848.4900 // Fax 415.848.4999	
14		101. 413.040.4900 // 1 ax 413.040.4999	
15		By: John W. Ralls	
16		John Foust Attorneys for Defendants, Counter-Claimants	
17		and Third Party Complainants DICK/MORGANTI, DICK CORPORATION,	
18		and THE MORGANTI GROUP	
19			
20	Details Contambon (2 2000		
21		BOWLES & VERNA LLP 2121 N. California Boulevard, Suite 875	
22		Walnut Creek, California 94596 Fel. 925.935.3300 // Fax 925.935.0371	
23			
24	. The second of the contract of the second o	By: Kenneth G. Jones	
25		Michael P. Connolly Attorneys for Plaintiff	
26		WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS	
27			
28			

1 ORDER

The deadline for Defendants, Counter-Claimants, and Third Party Complainants DICK/MORGANTI, DICK CORPORATION, and THE MORGANTI GROUP (together, "D/M") to file an answer to the complaint of Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS ("Webcor"), as well as the time for D/M to file a counterclaim, if any, is further extended by 31 days from **September 18, 2009**, to **October 19, 2009**.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 Dated: Sept. 21 , 2009



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DECLARATION OF JOHN FOUST 1 2 I, John Foust, declare: 3 1. I am an attorney with Howrey LLP and counsel of record for Defendants, Counter-4 Claimants, and Third Party Complainants DICK/MORGANTI, DICK CORPORATION, and THE 5 MORGANTI GROUP (together, "D/M"). 6 2 Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS 7 ("Webcor"), on the one hand, and D/M, on the other, have agreed to continue to discuss various 8 issues relating to the presentation of Webcor's claims at the upcoming mediations with the Project 9 owner. In the meantime, the parties prefer to avoid spending time on litigation activities and 10 filings in this case. Therefore, the parties have stipulated and agreed to extend the deadline for 11 D/M to file an answer to Webcor's complaint, as well as the time for D/M to file a counterclaim, if 12 any, by 31 days, from September 18, 2009, to October 19, 2009. 13 3. The parties have previously stipulated, and the Court has previously allowed, eight 14 extensions for the response to the complaint and counterclaim. Additionally, there have been 15 other time extensions in this case, including time extensions in connection with case management 16 conferences. 17 I declare under penalty of perjury under the law of the United States that the foregoing is 18 true and correct. 19 Executed on September 18, 2009, in San Francisco, California. 20 21 22 John Foust

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